



General Assembly

January Session, 2001

***Raised Bill No. 6773***

LCO No. 3804

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE RIGHTS OF PERSONS INJURED BY  
UNINSURED AND UNDERINSURED DRIVERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 38a-336 of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (e) For the purposes of this section, an "underinsured motor vehicle"  
4 means a motor vehicle with respect to which the [sum] amount of the  
5 [limits of] liability coverage that remains available for payment to an  
6 individual injured person under all bodily injury liability bonds and  
7 insurance policies applicable at the time of the accident is less than the  
8 applicable limits of liability under the uninsured motorist portion of  
9 the policy against which claim is made under subsection (b) of this  
10 section.

11 Sec. 2. Subsection (e) of section 38a-363 of the general statutes is  
12 repealed and the following is substituted in lieu thereof:

13 (e) "Private passenger motor vehicle" means a: (1) Private passenger  
14 type automobile; (2) station-wagon-type automobile; (3) camper-type

15 motor vehicle; (4) high-mileage-type motor vehicle, as defined in  
16 section 14-1; (5) truck-type motor vehicle with a load capacity of fifteen  
17 hundred pounds or less, registered as a passenger motor vehicle, as  
18 defined in said section, or as a passenger and commercial motor  
19 vehicle, as defined in said section, or used for farming purposes; or (6)  
20 a vehicle with a commercial registration, as defined in subdivision (12)  
21 of said section, or a vehicle with municipal registration that is designed  
22 and suitable for use on a highway. It does not include a motorcycle or  
23 motor vehicle used as a public or livery conveyance.

24 Sec. 3. Section 38a-336 of the general statutes is amended by adding  
25 subsection (h) as follows:

26 (NEW) (h) There shall be a presumption that a tortfeasor is  
27 uninsured if an injured person provides a written statement to the  
28 insurer providing uninsured motorist coverage to such injured person  
29 that such injured person is unable to determine whether the tortfeasor  
30 was uninsured at the time of the accident that caused such person's  
31 injuries. The insurer providing uninsured motorist coverage to such  
32 injured person may rebut such presumption by providing written  
33 information to its insured that provides the names of all liability  
34 insurance companies that provided coverage to the tortfeasor at the  
35 time of the accident and the applicable policy numbers and amounts of  
36 liability coverage.

37 Sec. 4. This act shall take effect July 1, 2001, and shall be applicable  
38 to any claim or cause of action that accrues on or after said date.

***Statement of Purpose:***

To allow an injured person to make a claim against such person's uninsured and underinsured motorist insurance company when the amount of the tortfeasor's available liability coverage is less than the injured person's uninsured and underinsured coverage, to make uninsured and underinsured motorist coverage available to a person injured in a municipal vehicle and to make both the injured person and such person's uninsured and underinsured motorist insurance

company responsible for attempting to determine if the tortfeasor is uninsured.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*